

REMARKS

Claims 1-15 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-10, drawn to an assay method for studying the effect of at least one compound on RNA virus entry, RNA replication, transcription or encapsidation.

Group II, claim 11, drawn to an antiviral or proviral compound.

Group III, claims 12-15, drawn to a kit comprising an RNA molecule packaged into an infectious virus particle and encoding at least a portion of genome of an RNA virus, a copy of a reporter gene and one or more sequences of RNA encoding packaging signals.

This requirement is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner has alleged that the groups of claims are not so linked as to form a single inventive concept under PCT Rule 13.1. However, the Examiner will note that no unity of invention objection was raised during the international phase of this application, which also applies to the unity of invention standard under PCT Rule 13. An international application which complies with those unity of invention requirement must then be accepted all of the designated and elected offices, including the USPTO, since Article 27(1) of the Patent Cooperation Treaty does not permit any national law or national office to require compliance with different regulations relating to the contents of the international application. Thus the U.S. Application must be examined for unity of invention consistent with the PCT, not just by giving verbal ascent to the standard, but rather an actual application of the standard. See *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 231 U.S.P.Q. 590. (E.D. Va 1986).

For these reasons, Applicants request that the restriction requirement be withdrawn in its entirety and that all the claims be examined in this application.

**But in order to be fully responsive to the Office Action, Applicants elect, with traverse, should the Examiner persist in the requirement, to prosecute Group I, Claims 1-10.**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson, Registration No 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


☒ Attached is a Petition for Extension of Time.

☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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